

Appl. No. 10/759,928
Amdt. Dated October 10, 2005
Reply to Office Action of July 26, 2005

REMARKS

This is a full and timely response to the non-final Office action mailed July 26, 2005. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 1-26 are pending in this application, with Claims 1, 10, 15, 16, and 19 being the independent claims. The Applicants thank the Examiner for allowing Claim 15, and for finding allowable subject matter in claims 2, 4, 8, 9, 12-14, and 22-26. Additionally, claims 1, 10, 13, 16, 19, and 21 have been amended, and Claims 2 and 20 have been canceled. No new matter is believed to have been added.

I. Claim Objections

The Office Action alleges that Claim 20 is objected to under 37 CFR 1.75 (c) as being of improper dependent form for filing to further limit the subject matter of a previous claim. Claim 20 has been cancelled. Therefore, this objection is now moot.

II. Rejections Under 35 U.S.C. § 112, Second Paragraph

Claim 13 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Allegedly, there is insufficient antecedent basis for the limitation "said impeller shroud."

The inclusion of the phrase "said impeller shroud" was a typographical error. Specifically, claim 13 should have recited "said compressor shroud", which is a feature recited in Claim 10. Accordingly, claim 13 has been amended to now recite "said compressor shroud".

Rejections Under 35 U.S.C. § 102

Claims 1, 3, 5-7, 11-12 and 16-20 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,981,018 ("Jones"). This rejection is respectfully traversed.

Appl. No. 10/759,928
Amdt. Dated October 10, 2005
Reply to Office Action of July 26, 2005

Independent claims 1, 10, 16, and 19 have been amended to incorporate the allowable subject matter recited in claim 2. Thus, each of claims 1, 10, 16, and 19 now recite, *inter alia*, a continuous ring disposed coaxial with, and orthogonal to a central axis, the continuous ring comprising a plurality of surfaces having a continuous outer surface and a continuous inner surface, the plurality of surfaces being characterized by a continuous cross section that includes a plurality of cross sectional dimensions including a first cross sectional dimension longitudinally disposed parallel to said central axis, and a second cross sectional dimension disposed orthogonal to said central axis. Accordingly, independent claims 1, 10, 16, and 19 are now allowable.

Claims 3 and 5-7 depend from claim 1, claims 11 and 12 depend from claim 10, and claims 17 and 18 depend from claim 16. Therefore, these claims rely on the arguments presented above and should also be allowable.

Conclusion

Based on the above, independent Claims 1, 10, 16, and 19 are patentable over the citations of record. The dependent claims are also submitted to be patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

Appl. No. 10/759,928

Amdt. Dated October 10, 2005

Reply to Office Action of July 26, 2005

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: 10/10/05

By: 

Cindy H. Kwacala
Reg. No. 47,667
(480) 385-5060